

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Brandon Billups

Docket No. 5:08-CR-76-1BO

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Brandon Billups, who, upon an earlier plea of guilty to Possession of a Firearm by a Felon, 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge on September 10, 2008, to the custody of the Bureau of Prisons for a term of 100 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Brandon Billups was released from custody on October 8, 2014, at which time the term of supervised release commenced.

On June 9, 2015, as a result of the defendant's mental health struggles, the probation office petitioned the court to add the mental health special condition. The court concurred.

On June 27 2015, the court was notified that the defendant was charged on May 18, 2015, in Wake County, North Carolina, with misdemeanor Indecent Exposure. This charge remains pending. The probation office recommended that this case be permitted to resolve itself in state court and the defendant allowed to continue participating in mental health treatment. The court concurred.

On October 28, 2015, in Wake County, North Carolina, the defendant was charged with misdemeanor Disorderly Conduct; Resist Delay or Obstruct; and Second Degree Trespass. To address his continued non-compliance, the probation office recommended that he participate in a cognitive behavioral program and continued mental health treatment. The court concurred.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 14, 2016, during a scheduled office visit, the probation officer noticed the smell of alcohol and a breathalyzer was conducted. Mr. Billups registered a .082 on the breathalyzer. Additionally, the defendant failed to complete a substance abuse assessment (as previously directed by the probation officer), was terminated from the cognitive behavioral program (four unexcused absences), and failed to report being arrested on April 7, 2016 (failure to appear in court on a previously reported violation). The defendant has requested help for his alcohol addiction and the probation office believes that additional special conditions, in addition to substance abuse treatment, will assist the defendant in obtaining sobriety. The defendant will also be strongly encouraged to join the HOPE Program (Drug/Reentry Court). As a result of this non-compliance, the probation office is recommending that the defendant complete a substance abuse assessment, remain abstinent from alcohol, and participate in Remote Alcohol Monitoring for a period up to 90 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

2. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 90 consecutive days.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Maurice J. Foy
Maurice J. Foy
Sr. U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8678
Executed On: April 19, 2016

ORDER OF THE COURT

Considered and ordered this 20 day of April, 2016 and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge